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Appl. No. 09/870,536

Corrected Appeal Brief dated October 5, 2006

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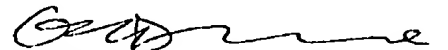
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UTILIZING A MOBILE DEVICE TO
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Docket No. : 8501
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CERTIFICATE OF TRANSMISSION UNDER 37 CFR §1.8

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Gaetano D. Maccarone
Registration No. 25,173

APPEAL BRIEF

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Sir:

This is a Corrected Appeal Brief submitted in response to the Notification of Non-Compliant Appeal Brief mailed September 8, 2006.

REAL PARTY IN INTEREST

The real party in interest in this appeal is Polaroid Corporation, a corporation organized and existing under the laws of the State of Delaware, of 1265 Main Street, Waltham, MA 02451.

RELATED APPEALS AND INTERFERENCES

There are no related appeals and interferences.

STATUS OF CLAIMS

1. Claims 1 - 10 and 23 - 28, all the claims pending in the application, have been rejected under 35 U.S.C. § 103(a) as being unpatentable over the references applied in support of the rejection.

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STATUS OF AMENDMENTS

Appellant did not file an amendment after the final Office Action and elects to prosecute this appeal on the basis of the claims which were in the application prior to the final Office Action.

SUMMARY OF CLAIMED SUBJECT MATTER

Claims 1 and 23 are independent.

I. Claim 1 is directed to a method for sharing user provided data objects in which a user utilizes a mobile device (10-Fig. 1) such as a cell phone to connect to a remote server (50-Fig. 1) for the purpose of sharing user-provided data objects such as digital images with one or more intended recipients designated by the user by an electronic address sent to the remote server by the user.

The mobile device has a unique identifier (line 5 of the paragraph bridging pages 7 and 8)* and access to one or more of a plurality of services accessible at the remote server (lines 3 - 5 of the paragraph bridging pages 8 and 9; lines 1 - 3 of the paragraph bridging pages 8 and 9).

According to the claimed method, the following steps are carried out:

* All page references are to the specification

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(a) a linking relationship is established between the unique identifier and an account at a service accessible at the remote server (step 110 - Fig. 2A; lines 4 - 8 from the bottom of page 8);

(b) a request is received at the remote server from the mobile device for access to the service containing the account linked to the unique identifier (step 100 - Fig. 2A; the sentence bridging pages 8 and 9);

(c) a response is transmitted to the mobile device, the response providing access to a plurality of entities comprising a list of data objects and a list of addresses, the entities being associated with the account linked to the unique identifier (step 120 - Fig. 2A; lines 1 - 13 on page 9);

(d) receiving at the remote server, from the mobile device, a request including an indication of a selected data object and an indication of at least one address and a request to send the indicated data objects to the indicated address(es) (step 140 - Fig. 2A; lines 1 - 14 of the paragraph bridging pages 9 and 10); and

(e) sending to at least one address a transmission providing access to the selected data object (step 150 - Fig. 2A, line 16 of the paragraph bridging pages 9 and 10 to line 6 of page 10).

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II. Claim 23 is directed to a system for sharing user provided data objects (Fig. 1) including:

means for establishing a linking relationship between a mobile device having a unique identifier and an account at a service (20, 30 - Fig. 1; the paragraph bridging pages 7 and 8);

means for receiving a request from the mobile device for access to a service containing the account linked to the unique identifier (20, 30, 40, 41, 50 - Fig. 1; lines 4 - 7 of page 9);

means for transmitting to the mobile device a response to the request, the response providing access to a list of user provided data objects and a list of user designated addresses (20, 30, 40, 41, 50 - Fig. 1); lines 5 and 6 of page 8);

means for receiving at a remote server, from the mobile device, indication of a selected user provided data object and at least one user designated address (20, 30, 40, 41, 50 - Fig. 1); lines 1 - 5 of the paragraph bridging pages 9 and 10); and

means for sending to at least one user designated address a transmission providing access to the selected user provided data object (50, 70, 75 - Fig. 1; line 16 of the paragraph bridging pages 9 and 10 to line 6 of page 10).

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GROUND OF REJECTION TO BE REVIEWED

I. Rejection of claims 1 - 10 and 23 - 28 under 35 U.S.C. § 103 (a).

Whether the subject matter of claims 1 - 10 and 23 - 28 is unpatentable under 35 U.S.C. § 103(a) over U.S. Patent 6,694,133 B1 ("Tobita et al.") in view of U.S. Patent 6,292,657 B1 ("Laursen et al.").

ARGUMENT

I. Argument with respect to the rejection of claims 1 - 10 and 23 - 28 under 35 U.S.C. § 103(a).

Appellant's claims are directed to a method and system in which a user utilizes a mobile device, such as a cell phone, to connect to a remote server for the purpose of sharing user-provided data objects, such as digital images, with one or more intended recipients designated by the user by an electronic address sent to the remote server by the user.

The claimed method and system enable a user to share user-provided data objects with selected user-designated addressees or recipients. Said another way, appellant's method and system provide peer to peer data object sharing among designated users.

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According to the method and system of appellant, the user provides and controls the dissemination of the data objects stored on a remote server. The user provides the data objects in the form of digital content, selects which of the data objects are to be shared and also selects from a list of user-designated addresses those recipients which will be allowed to share the selected data objects.

Tobita et al. does not teach or in any way suggest critical elements of appellant's claimed invention. Tobita et al. teaches a method and system which is intentionally non-sharing in nature. The method and system described by this reference is a non-sharing vendor to customer arrangement allowing the vendor to control the transmission of proprietary data objects for the limited purpose of displaying the objects on the customer's cell phone. The reference does not teach or suggest storing user-provided images or data objects on the remote server. Only vendor-provided images are stored on the remote server.

In addition, the system and method taught by the reference, in contrast to those of appellant, do not permit a user to provide a user-designated address list from which a user may select recipients to receive selected images or data objects. The list of addresses in Tobita et al. is limited to registered customers of the vendor's services which is clearly not a user-designated address list.

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That Tobita et al. does not share user provided data objects is clearly apparent from the disclosure of the reference. For example, at column 2, lines 35 - 40 the reference states that "...since an image data to be delivered is held in an access controlled storage means, the read-out image is held in storage means in which it cannot be delivered to others again or cannot be processed, and protection of a copyright of the delivered image can be promoted."

The method is explained further with respect to Fig. 10. At column 10, line 53 et seq. the procedure is described for registering members and compiling a member list as shown at step 105 of Fig. 10. The member list is also shown in Fig. 3, designated by numeral 31, and referred to at column 9, line 11.

It is clearly apparent that Tobita et al. does not utilize, as does appellant, user-designated addresses for peer to peer sharing of user-provided data. Instead, Tobita et al. utilizes a vendor compiled and controlled customer list to sell or lease images for limited display purposes.

The Office Action explicitly acknowledges that Tobita et al. does not teach appellant's claimed system and method. In the last full sentence of page 3 the Office Action states that "Tobita does not specifically disclose enabling sharing of selected user provided data object with selected user designated addresses."

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The Office Action relies upon Laursen et al. ostensibly to provide the disclosure which is missing in Tobita et al. In support of the rejection it is stated that Laursen et al. "...in the same wireless data networks communications discloses enabling sharing of selected user provided data object with selected user designated addresses (providing a list of selective set of mobile stations sharing the same fleet of data in a wireless communications network...)". The Office Action, in essence, concludes that combined disclosures of the references would place appellant's claimed system and method in the possession of the general public because it would have been obvious to one of ordinary skill in the art to incorporate the teaching of Laursen et al. into the system of Tobita et al. to provide secure delivery of data by an authorized entity to selected mobile stations and control the dissemination of data to selected mobile stations at any time.

The secondary reference relates to a fleet managing system in which fleet data can be securely managed and disseminated to a selective group of mobile stations serviced by a carrier infrastructure. Access to the fleet managing system is guarded with a challenge response every time there is a request arriving at the system while the mobile stations are verified by an account manager in the system to ensure that the fleet data is sent to the correct group of mobile stations.

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Laursen et al. is concerned with sending information stored at a central location to a selected group of recipients. The purpose of the system is to provide secure management of mobile devices or stations by an authorized entity. The reference is concerned with the need to distribute information to a selective number of users through the mobile devices. The information, which is collectively referred to as mobile data or fleet data, may include commercial information, proprietary message and group call lists. See the paragraph bridging columns 1 and 2 of Laursen et al.

The method of the reference, however, does not involve at least one of the steps of the method of appellant. The method of appellant requires a step (E) of sending to at least one of a plurality of user-designated stations a transmission providing access to the selected user-provided data object. In Laursen et al. the information is sent to user stations which have access and the transmission sent to the designated stations does not include providing access for the stations to the selected user-provided data objects.

Thus, the combination of Tobita et al. and Laursen et al. does not teach or suggest the invention recited in the appealed claims.

In order to properly support a rejection under 35 U.S.C. § 103(a) there must be a suggestion or incentive to be found in the cited references which would place one skilled in the art in possession of the

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claimed subject matter. Here, there is no such suggestion or incentive to be found in the references.

There can be no suggestion or incentive in the references to combine their teachings as has been done in the Office Action since to do so would change the basic nature of the method and system of Tobita et al. As pointed out in detail above, Tobita et al. teaches a method and system which is intentionally non-sharing in nature. To modify the teachings of Tobita et al. in the manner done in the Office Action would result in rendering the system and method of the reference unfit for its intended purpose since Tobita et al. does not involve storing user-provided images or data objects on a remote server and does not permit a user to provide a user-designated address list from which a user may select recipients to receive selected images or data objects.

In view of the foregoing, it is apparent that one skilled in the art would find no suggestion or incentive to modify the method and system of Tobita et al. to arrive at the method and system of appellant wherein the user provides and controls the dissemination of the data objects stored on a remote server by selecting which of the data objects are to be shared, also selecting from a list of user-designated addresses those recipients which will be allowed to share the selected data objects and sending to the selected

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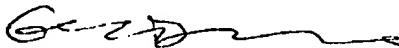
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recipients a transmission providing access to the
selected data objects.

CONCLUSION

For the foregoing reasons the USPTO has not
sustained the burden of showing that the claimed subject
matter is not patentable. The rejection under 35 USC
§103(a) should be reversed and claims 1 - 10 and 23 - 28
allowed.

Respectfully submitted,



Gaetano D. Maccarone
Registration No. 25,173

Polaroid Corporation
Patent Department
1265 Main Street
Waltham, MA 02451
Tel.: 781-386-6405
Fax: 781-386-6435

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CLAIMS APPENDIX

Claims On Appeal

Claim 1. A method for sharing user provided data objects utilizing a mobile device, said mobile device having a unique identifier and access to at least one of a plurality of services accessible at a remote server, comprising the steps of:

(A) establishing a linking relationship between said unique identifier and an account at a service from the at least one of a plurality of services accessible at the remote server;

(B) receiving, at the remote server, a request, from said mobile device having said unique identifier, for access to the service containing the account linked to said unique identifier, said service being accessible at the remote server;

(C) transmitting, to the mobile device having said unique identifier, a response, said response providing access to a plurality of entities, said entities comprising a list of user provided data objects and a list of user designated addresses, said entities being associated with the account linked to said unique identifier;

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(D) receiving, at the remote server, from the mobile device having said unique identifier, a request, said request comprising an indication of a selected user provided data object and an indication of at least one of a plurality of user designated addresses and a request to send said indicated data objects to said indicated at least one of a plurality of addresses, said addresses being selected from said list of user designated addresses; and

(E) sending, to said at least one of a plurality of user designated addresses, a transmission providing access to the selected user provided data object thereby enabling sharing of the selected user provided data object with selected user designated addressees.

Claim 2. The method of Claim 1 further comprising the step of:

(F) receiving, at the remote server, from the mobile device having said unique identifier, a user provided data object from a data object source, said data object being added to the list of user provided data objects.

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Claim 3. The method of Claim 2 further comprising the step of:

(G) transmitting to the mobile device having said unique identifier, upon receiving the user provided data object from the data object source, a notification of the status of reception.

Claim 4. The method of Claim 1 wherein in step (C) the access to the list of user provided data objects further comprises access to reduced size versions of said user provided data objects.

Claim 5. The method of Claim 1 wherein in step (E) the transmission provides access to a reduced size version of the selected user provided data object.

Claim 6. The method of Claim 1 wherein in steps (D) and (E) the at least one of a plurality of user designated addresses include the addresses of other mobile devices.

Claim 7. The method of Claim 4 wherein in steps (D) and (E) the at least one of a plurality of user designated addresses include the addresses of other mobile devices.

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Claim 8. The method of Claim 1 wherein the user provided data objects are images.

Claim 9. The method of Claim 5 wherein the user provided data objects are images.

Claim 10. The method of Claim 9 further comprising the step of:

processing the selected user provided data object, prior to step (E), to provide optimal perceivable image quality.

Claim 23. A system for sharing user provided data objects utilizing a mobile device, said mobile device having a unique identifier, said system providing access to at least one of a plurality of services and comprising:

means for establishing a linking relationship between said unique identifier and an account at a service from the at least one of a plurality of services;

means for receiving a request, from said mobile device having said unique identifier, for access to the service containing the account linked to said unique identifier;

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means for transmitting, to the mobile device having said unique identifier, a response to the request, said response providing access to a list of user provided data objects and a list of user designated addresses;

means for receiving, at the remote server, from the mobile device having said unique identifier, indication of a selected user provided data object data object and indication of at least one of a plurality of user designated addresses, said addresses being selected from said list of user designated addresses; and

means for sending, to said at least one of a plurality of user designated addresses, a transmission providing access to the selected user provided data object thereby enabling sharing of the selected user provided data object with selected user designated addressees.

Claim 24. The system of Claim 23 further comprising:

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means for receiving, from the mobile device having said unique identifier, a user provided data object from a data object source, said data object being added to the list of user provided data objects.

Claim 25. The system of Claim 24 further comprising:

means for transmitting to the mobile device having said unique identifier, upon receiving the user provided data object from the data object source, a notification of the status of reception.

Claim 26. The system of Claim 23 wherein the means for transmitting a response to the request, said response also provides access to reduced size versions of the user provided data objects.

Claim 27. The system of Claim 23 wherein the means for sending a transmission providing access to the selected data object also provides access to a reduced size version of the selected user provided data object.

Claim 28. The system of claim 23 wherein said user provided data objects are images and said system further includes means for processing the selected user provided images to provide optimal perceived image quality.

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EVIDENCE APPENDIX

Appellant has not submitted in the application any
evidence pursuant to §§ 1.130, 1.131 and 1.132 of 37
Code of Federal Regulations.

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RELATED PROCEEDINGS APPENDIX

There are no decisions by a court or the Board of
Patent Appeals and Interferences in any related
proceedings.